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SUBJECT: Promoting IPR Protection in Vietnam

¶1. (U) This cable is Sensitive but Unclassified. For official use only, not for dissemination outside USG channels or posting on the internet.

¶2. (SBU) Summary: Post hosted a series of two-day workshops for 200 officials of GVN agencies as part of ongoing efforts to boost Vietnam's protection of IPR (intellectual property rights). Vietnam has made significant IPR progress in recent years, but still faces challenges, particularly on enforcement. The workshops were timely as the GVN is considering how to implement new criminal provisions for IPR violations contained in recently revised IP legislation scheduled to go into force in January 2010. The workshops revealed that many GVN officials do not clearly understand their duties in the current legal framework. END SUMMARY.

CASTING A WIDER NET FOR IPR ENFORCEMENT

¶3. (SBU) Post sponsored an October 15-23 series of two-day workshops in Haiphong, Ho Chi Minh City, and Danang, "Enforcement of IPR: Investigation, Prosecution, Adjudication, and Border Enforcement." The workshops were held against a background of newly revised laws regarding enforcement of intellectual property rights (IPR) in Vietnam.

¶4. (SBU) The workshops were designed to frame the GVN's discourse on IP legal implementation and expand discussion from policy-makers to the enforcement bodies: urban and provincial police, customs, judges, prosecutors, and market management. These officials frequently do not communicate and interact effectively on IPR protection, a deficiency the workshops sought to reduce. Enforcement agencies engaged in substantive exchanges not only with their U.S. counterparts (Patent and Trademark Office, International Trade Administration, Department of Justice, and Homeland Security) but also discussed the chain of authority, compared roles and responsibilities in IP enforcement, and discovered areas where they overlap and conflict.

¶5. (SBU) There was open debate, sometimes heated, about differences in implementing IPR laws and regulations in the different jurisdictions. The Vietnamese police and judiciary were interested especially in hearing how U.S. agencies investigate IP violations, coordinate among agencies, and choose laws and regulations under

which to prosecute.

¶16. (SBU) Over 200 GVN officials participated in the workshops. More than 20 media representatives attended the workshops in total, providing print, internet, and Vietnam TV coverage. As part of Post's other IPR outreach activities, Mission Vietnam also recently held a half-day seminar on IPR strategies for approximately 70 SME professionals with a visiting USPTO speaker.

COMMENT:

¶17. (SBU) These workshops revealed that Vietnam continues to face challenges to give teeth to its IPR legal framework. Significant gaps remain between policy-makers' intentions and implementing agencies' understanding of how to take consistent actions against IPR infringers. Post will continue to engage relevant stakeholders - from local software associations and entrepreneurs to government officials - to encourage progress on IPR legislation and enforcement. END COMMENT.
Michalak